

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

SANDY GOMEZ,

Defendant.

ORDER

15 Cr. 348 (PGG-2)

PAUL G. GARDEPHE, U.S.D.J.:

Defendant Sandy Gomez was found guilty at trial of conspiring to distribute and possess with intent to distribute cocaine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). (Judgment (Dkt. No. 174) at 1) This Court entered judgment on June 19, 2017. (*Id.*) Gomez filed a notice of appeal on June 22, 2017. (Dkt. No. 175) The Second Circuit affirmed this Court's judgment on October 22, 2018. *United States v. Gomez*, 751 F. App'x 63 (2d Cir. 2018).

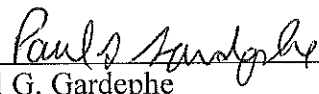
In a November 10, 2019 letter, Gomez requests an extension of time "in to January [2020]" to file a petition under 28 U.S.C. § 2255. Gomez acknowledges that any petition under 28 U.S.C. § 2255 would be untimely, but asserts that his former lawyer did not advise him of either his right to petition the U.S. Supreme Court for a writ of certiorari, or of the remedies available to him under Section 2255. This Court cannot make a finding concerning timeliness and procedural default on the basis of Gomez's November 10, 2019 letter. However, if Gomez believes that he has a meritorious claim under Section 2255, he should file his petition as soon as possible.

The Clerk of Court is directed to mail a copy of this Order by certified mail to Mr. Gomez at the following address:

SANDY GOMEZ
INMATE NO 72557-054
FCI FORT DIX-EAST
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 2000
JOINT BASE MDL, NJ 08640

Dated: New York, New York
December 23, 2019

SO ORDERED.



Paul G. Gardephe
United States District Judge